

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)
DAVID W. VICTORINO,)
)
Complainant,)
)
and)
STATE OF HAWAII ORGANIZATION)
OF POLICE OFFICERS (SHOPO))
and HERMAN BRANDT,)
Respondents.)

Case No. CU-12-21
Order No. 184

ORDER DENYING MOTION TO DISMISS COMPLAINT

Complainant David Victorino filed the above-captioned charges against Respondents State of Hawaii Organization of Police Officers (hereinafter SHOPO) and Herman Brandt, SHOPO business agent, on December 20, 1977. These charges alleged that SHOPO's handling of a grievance filed by Complainant against his Employer was defective, and violative of Sections 89-13(b)(1), (2), and (3), Hawaii Revised Statutes (hereinafter HRS).

On February 3, 1978, the prehearing conference scheduled for February 6, 1978 was cancelled upon a representation by Complainant's attorney that Mr. Victorino's grievance was being resolved at Step 3 of the grievance procedure.

Subsequently, on February 28, 1978, SHOPO filed a motion to dismiss the prohibited practice charge because Complainant had accepted the Employer's remedy at Step 3. A hearing on the motion was held on April 12, 1978, in the Board's hearing room.

Based on the arguments made by the parties, the Board is of the opinion that the granting of Respondent SHOPO's motion would be premature at this time. Accordingly, the motion is denied.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: April 20, 1978

Honolulu, Hawaii